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8 Attorney for Defendants Seawind Group
9 Holdings Pty Ltd.; Richard Geoffrey Ward;
10 Corsair Marine Sales Pte Ltd.; Corsair
11 Marine International Pte Ltd.; Corsair
12 Marine International Co., Ltd.

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 WAYNE GOLDMAN, *et al.*

16 v.

17 SEAWIND GROUP HOLDINGS PTY LTD,
18 *et al*

CASE NO. C13-1759 SI

Stipulated Administrative
Motion to Change Trial Date

19 For the reasons stated below, all parties request that the presently-scheduled trial date
20 of May 18, 2015 be changed to Monday, July 13, 2015. In the event that date is not
21 convenient for the Court, the parties would ask that the Court conduct a telephonic
22 conference to set a date available for the Court, the parties, and counsel.

23 In the above-captioned case, the Court granted summary judgment in defendants'
24 favor on February 2, 2015, and solicited the parties' view on whether the then-scheduled trial
25 should proceed as scheduled. In letters to the Court, the parties requested that trial be
26 continued to allow them to attempt to settle before additional resources are expended on trial,
27 appeal, and possible other proceedings. The Court on February 17, 2015 *sua sponte* changed
28 the trial date as follows:

The parties also request that the Court vacate the March 17, 2015 trial date to
allow them to pursue settlement, and they state that they have scheduled
settlement conferences for March 20, 2015 and May 4, 2015 (if necessary).

1 The Court hereby VACATES the March 17, 2015 trial date and reschedules
2 the trial to begin on May 18, 2015. The final pretrial conference is scheduled
3 for May 12, 2015 at 3:30 p.m.

4 (Dkt. 110 (emphasis in original).) By order dated May 31, 2015, the Court advanced the
5 pretrial conference to May 7.

6 Parties and counsel participated in a telephonic settlement conference before Judge
7 Westmore on March 13, 2015. Despite Judge Westmore's much appreciated efforts, the case
8 did not settle at that time. The parties remain committed to an in-person settlement
9 conference on May 4, 2015, for which defendants' representative Mr. Ward (a resident of
10 Australia) will make a special trip to the Bay Area.

11 The parties are respectfully requesting a change in the trial date at this time because
12 the May 18 trial date is not consistent with their efforts to put all available resources into
13 settling instead of further litigation. Under the court's rules for trial preparation, counsel will
14 need to meet and confer in April regarding numerous trial preparation matters, and to submit
15 exhibits, objections to exhibits, jury instructions, in limine motions, and other trial materials
16 no later than April 23. Even if the deadline for submission of such materials were to be
17 changed, counsel cannot reasonably postpone trial preparation until after May 4 if they are to
18 have a pretrial conference on May 5 and conduct a trial on May 18. However, every dollar
19 expended on trial preparation will be a dollar not available to be traded in a settlement.

20 Counsel for both sides have further reasons for asking that the May 18 trial date be
21 changed.

22 As has been previously mentioned to the Court, Defendants' counsel is the president
23 of a large international lawyers organization, the International Network of Boutique Law
24 Firms (www.inblf.com). In that role, he has a long-standing commitment to attend and
25 preside over the organization's annual European Summit in London, which will be
26 conducted May 15 to 17. If he is to conduct a trial commencing on May 18, he will be
27 unable to attend to his duties at this meeting. He therefore respectfully requests for this
28 additional reason that the trial date be changed from May 18.

1 Plaintiffs' counsel's a further reason for requesting a change of the May 18 trial date
2 to July 13: he is a husband and father of two children and has a two week family vacation
3 planned beginning June 8, 2015.

4 At present, unless Plaintiffs' recently-filed motion for leave to file a motion for
5 reconsideration is granted, as well as the subsequent motion for reconsideration, the trial of
6 this matter would be limited to factual findings related to the damages Defendants allegedly
7 suffered as a result of Plaintiff's alleged breach of the August 21, 2012 Settlement
8 Agreement. Counsel for Plaintiffs believe the damages issue can be substantially narrowed
9 by and through *motions in limine*. Even if reconsideration is not granted, given that the trial
10 will be over only one counterclaim, and that liability under this cause of action was
11 determined by the summary judgment motion so that only damages remain to be tried,
12 counsel for Defendants believe that the trial will not be lengthy. Plaintiffs' counsel
13 disagrees, and believes that, given the sprawling nature of Defendants' damages allegations,
14 significant impeachment evidence and witnesses would need to be called to rebut
15 Defendants' evidence. It is hoped that, if the case does not settle on May 4 and the May 18
16 trial date is changed, a July 13, 2015 trial date would allow both parties a significant amount
17 of time to comply with the Court's pre-trial rules and streamline the trial.

18
19
20 Dated: April 1, 2015

Respectfully submitted,

21
22 /s/ Charles M. Kagay

23 Charles M. Kagay
24 Spiegel Liao & Kagay, P.C.

25 Attorney for Defendants Seawind Group Holdings Pty
26 Ltd.; Richard Geoffrey Ward; Corsair Marine Sales Pte
27 Ltd.; Corsair Marine International Pte Ltd.; Corsair
28 Marine International Co., Ltd.

/s/Robert C. Matz

Robert C. Matz

Makman & Matz, LLP

Attorney for Plaintiffs Wayne Goldman and Harriett
Scannon

I attest that concurrence in the filing of this document has been obtained from the other
signatory.

/s/Charles Kagay

Charles M. Kagay

~~(PROPOSED)~~ ORDER

Pursuant to stipulation, and good cause appearing, it is ordered that the presently
scheduled pretrial conference date of May 12, 2015 at 3:30 p.m. and trial date of May 18,
2015 are vacated.

The new trial date is Monday, July 13, 2015.

The new pretrial date is 6/30/15 at 3:30 p.m.

~~OR~~

~~The Court will conduct a telephonic status conference on _____, 2015 at
_____ to set new dates for the pretrial conference and trial.~~

DATED: 4/2/15



The Honorable Susan Illston
Judge, United States District Court